

AN ORDINANCE AMENDING SECTION 2-2, DEFINITIONS, SECTION 7-15, PROCEDURE OF THE BOARD OF ADJUSTMENT, AND SECTION 7-16, HEARING FOR THE BOARD OF ADJUSTMENT, OF THE UTAH COUNTY LAND USE ORDINANCE

WHEREAS, the Utah County Commission initiated a review of the Utah County Land Use Ordinance (UCLUO), dealing with amending Sections 2-2, 7-15, and 7-16 related to hearing procedures for the Utah County Board of Adjustment; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meetings and public hearings regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance and the Utah Code; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 2-2, “DEFINITIONS” of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

2-2 DEFINITIONS

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

99. **Public hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

100. **Public meeting:** A meeting that is required to be open to the public under Chapter 4 of Title 52 of the Utah Code, “Open and Public Meetings Act”.

(Amendment includes applicable re-numbering of subsequent definitions.)

Part II:

Section 7-15, “PROCEDURE” of the Utah County Land Use Ordinance, is hereby amended, to read as follows:

7-15: PROCEDURE

Upon receipt of the request forms, the Secretary of the Board of Adjustment or, other person appointed to receive the forms, shall forthwith notify the zoning administrator of the matter and invite his response; also notice shall be given as required elsewhere by this ordinance and state law. If the Board of Adjustment finds that the request forms were properly filed, and the filing fee paid, it shall hold a public meeting and take action on the request.

Part III:

7-16: MEETING

A. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof by publication of notice at least ten days prior to the date of the meeting, and decide the same. The Board of Adjustment shall set a standard procedure for conducting public meetings and reviewing requests before the Board, which may include: reasonable limits of time in which appellants, respondents, and other parties may speak; sign-up sheets for those who may wish to request to speak at the public meeting (and cut off times for adding names); deadlines for submitting written comment; and other rules needed to conduct a fair and orderly meeting. Such procedures shall be reviewed and approved by the Utah County Attorney.

B. The decision of the Board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the meeting. Any party may appear at the meeting in person or by agent or by attorney.

Part IV:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part V:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part VI:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 31st day of May, 2016.

UTAH COUNTY COMMISSION

VOTE

LARRY A. ELLERTSON, CHAIR

WILLIAM C. LEE, VICE-CHAIR

GREG GRAVES, COMMISSIONER

ATTEST:

BRYAN E. THOMPSON

County Clerk/Auditor

By: _____

Deputy

APPROVED AS TO FORM:

JEFFREY R. BUHMAN

County Attorney

_____ Approved

_____ Disapproved

By: _____
Deputy

Date of Publication: Once only, as soon as possible

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